

1 Renée Welze Livingston – SBN 124280  
2 LIVINGSTON LAW FIRM  
3 A Professional Corporation  
4 1600 South Main Street, Suite 280  
5 Walnut Creek, CA 94596  
6 Tel: (925) 952-9880  
7 Fax: (925) 952-9881  
8 Email: [rlivingston@livingstonlawyers.com](mailto:rlivingston@livingstonlawyers.com)

9  
10 Attorneys for Defendant  
11 TARGET CORPORATION

12  
13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16  
17  
18 CARLEEN FOREMAN ) Case No.  
19 Plaintiff, )  
20 vs. ) **PETITION FOR REMOVAL OF ACTION**  
21 ) **PURSUANT TO 28 U.S.C. §1441(b)**  
22 ) **[DIVERSITY]**  
23 TARGET CORPORATION ) **DEMAND FOR JURY TRIAL**  
24 Defendants. )  
25 ) Complaint Filed: 03/05/19  
26 ) Trial Date: None  
27 ) [Santa Clara County Superior Court Case No.  
28 ) 19CV344140]  
29  
30

31  
32 TO THE CLERK OF THE ABOVE-CAPTIONED COURT:

33  
34 PLEASE TAKE NOTICE that defendant TARGET CORPORATION (hereinafter  
35 “TARGET”) hereby removes to this Court the state court action described below.

36  
37 **JURISDICTION**

38  
39 1. Defendant TARGET is informed and believes that plaintiff CARLEEN  
40 FOREMAN is a citizen of the State of California, and was at the time of the filing of the  
41 Complaint and this Petition for Removal.

42  
43 2. Defendant TARGET is a Minnesota corporation whose principal place of business  
44 is Minneapolis, Minnesota.

45  
46 3. TARGET is a publicly held corporation whose chairman and chief executive  
47 officer is Brian C. Cornell.

4. Defendant TARGET is not a citizen of the state in which this action is pending.

5. The matter in controversy exceeds the sum of \$75,000.00, exclusive of interest, attorneys' fees and costs.

6. This court has jurisdiction by virtue of 28 U.S.C. §1332 and 28 U.S.C. §1441(b).

## **GROUNDS FOR REMOVAL**

6       7. On March 5, 2019, plaintiff Carleen Foreman commenced a civil action in Santa  
7       Clara County Superior Court, Unlimited Jurisdiction, in the State of California, entitled *Carleen*  
8       *Foreman v. Target Corporation.*, Case No. 19CV344140. True and correct copies of the  
9       Summons and Complaint are attached hereto and marked as **Exhibit A**. Defendant TARGET  
10      was served with the Summons and Complaint on March 12, 2019. In said action, plaintiff seeks  
11      personal injury damages under theories of premises liability for an incident that occurred when  
12      she tripped over a cart rail on July 18, 2018.

13       8.     Defendant TARGET filed an Answer to plaintiff's unverified Complaint. A true  
14 and correct copy of the Answer is attached hereto and marked as **Exhibit B**.

15 9. Plaintiff served a Statement of Damages in which she claims \$350,000.00 in  
16 medical expenses, \$500,000.00 in loss of future earnings and \$5,000,000.00 in general damages  
17 for pain and suffering and emotional distress. A true and correct copy of plaintiff's Statement of  
18 Damages is attached hereto and marked as **Exhibit C**.

19       10.    This Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332,  
20 and the Complaint is one which may be removed to this Court by defendant TARGET pursuant  
21 to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different  
22 states, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and  
23 costs.

24 | //

25 | //

26 | //

27 | //

28 | //

Based on the foregoing, defendant TARGET respectfully requests that this Court accept removal of this action.

Dated: April 9, 2019

# LIVINGSTON LAW FIRM

By:

Renée Welze Livingston  
Attorneys for Defendant  
TARGET CORPORATION

**DEMAND FOR JURY TRIAL**

10 Pursuant to Fed. R. Civ. P. 38(b), defendant TARGET CORPORATION hereby demands  
11 trial by jury in the above entitled action.

12 | Dated: April 9, 2019

## LIVINGSTON LAW FIRM

By

Renée Welze Livingston  
Attorneys for Defendant  
TARGET CORPORATION

# EXHIBIT A

212

03-12-19

SUM-100

212

**SUMMONS**  
(CITACION JUDICIAL)

**NOTICE TO DEFENDANT:**  
(AVISO AL DEMANDADO):

Target Corporation, a Minnesota Corporation

**YOU ARE BEING SUED BY PLAINTIFF:**  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Carleen Foreman

FOR COURT USE ONLY  
PARA USO DE LA CORTE

E-FILED

3/5/2019 6:14 PM

Clerk of Court

Superior Court of CA,  
County of Santa Clara  
19CV344140

Reviewed By: Patricia Hernandez  
Envelope: 2590424

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/sehlp/](http://www.courtinfo.ca.gov/sehlp/)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/sehlp/](http://www.courtinfo.ca.gov/sehlp/)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.**

The name and address of the court is:  
(El nombre y dirección de la corte es): Santa Clara County Superior Court

191 North First Street  
San Jose, CA 95113

CASE NUMBER:  
(Número del Caso) 19CV344140

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Robert L. Mezzetti II, Mezzetti Law Firm, Inc., 31 E. Julian Street, San Jose, CA 95112, (408) 279-8400

DATE: 3/5/2019 6:14 PM Clerk of Court Clerk, by (Secretary) Patricia Hernandez Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):

3.  on behalf of (specify): Target Corporation, A Minnesota Corporation

under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):

4.  by personal delivery on (date): 03-12-19



E-FILED

3/5/2019 6:14 PM

PLD-PI-001

Clerk of Court

FOR COURT USE ONLY

Superior Court of CA,

County of Santa Clara

19CV344140

Reviewed By: Patricia Hernandez

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):            Robert L. Mezzetti II, 114282; Christopher R. Mezzetti, 282287            Mezzetti Law Firm, Inc.            31 E. Julian Street            San Jose, CA 95112            TELEPHONE NO. (408) 279-8400 FAX NO. (Optional) (408) 279-8448            E-MAIL ADDRESS (Optional):            ATTORNEY FOR (Name): Carleen Foreman</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara            STREET ADDRESS: 191 North First Street            MAILING ADDRESS: 191 North First Street            CITY AND ZIP CODE: San Jose, CA 95113            BRANCH NAME: Downtown Superior Court</p> <p>PLAINTIFF: Carleen Foreman</p> <p>DEFENDANT: Target Corporation, a Minnesota Corporation</p> <p><input checked="" type="checkbox"/> DOES 1 TO 1-20</p> <p><b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b></p> <p><input type="checkbox"/> AMENDED (Number):</p> <p>Type (check all that apply):</p> <p><input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability  <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death  <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):</p> <p>Jurisdiction (check all that apply):</p> <p><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE            Amount demanded <input type="checkbox"/> does not exceed \$10,000  <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000</p> <p><input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)  <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint  <input type="checkbox"/> from limited to unlimited  <input type="checkbox"/> from unlimited to limited</p>	<p>E-FILED            3/5/2019 6:14 PM PLD-PI-001            Clerk of Court            FOR COURT USE ONLY            Superior Court of CA,            County of Santa Clara            19CV344140            Reviewed By: Patricia Hernandez</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

1. Plaintiff (name or names): Carleen Foreman

alleges causes of action against defendant (name or names):

Target Corporation, a Minnesota Corporation

2. This pleading, including attachments and exhibits, consists of the following number of pages: 5

3. Each plaintiff named above is a competent adult

a.  except plaintiff (name):

- (1)  a corporation qualified to do business in California
- (2)  an unincorporated entity (describe):
- (3)  a public entity (describe):
- (4)  a minor  an adult
  - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
  - (b)  other (specify):
- (5)  other (specify):

b.  except plaintiff (name):

- (1)  a corporation qualified to do business in California
- (2)  an unincorporated entity (describe):
- (3)  a public entity (describe):
- (4)  a minor  an adult
  - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
  - (b)  other (specify):
- (5)  other (specify):

 Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: Foreman v. Target	CASE NUMBER:
-----------------------------------	--------------

4.  Plaintiff (name):  
is doing business under the fictitious name (specify):  
and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a.  except defendant (name): Target Corporation  
(1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe):  
(4)  a public entity (describe):  
(5)  other (specify):

c.  except defendant (name):  
(1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe):  
(4)  a public entity (describe):  
(5)  other (specify):

b.  except defendant (name):  
(1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe):  
(4)  a public entity (describe):  
(5)  other (specify):

d.  except defendant (name):  
(1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe):  
(4)  a public entity (describe):  
(5)  other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a.  Doe defendants (specify Doe numbers): 1-10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b.  Doe defendants (specify Doe numbers): 11-20 are persons whose capacities are unknown to plaintiff.

7.  Defendants who are joined under Code of Civil Procedure section 382 are (names):

B. This court is the proper court because

a.  at least one defendant now resides in its jurisdictional area.  
b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c.  injury to person or damage to personal property occurred in its jurisdictional area.  
d.  other (specify):

9.  Plaintiff is required to comply with a claims statute, and  
a.  has complied with applicable claims statutes, or  
b.  is excused from complying because (specify):

PLD-PI-001

SHORT TITLE: Foreman v. Target	CASE NUMBER:
-----------------------------------	--------------

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a.  Motor Vehicle
- b.  General Negligence
- c.  Intentional Tort
- d.  Products Liability
- e.  Premises Liability
- f.  Other (specify):

11. Plaintiff has suffered

- a.  wage loss
- b.  loss of use of property
- c.  hospital and medical expenses
- d.  general damage
- e.  property damage
- f.  loss of earning capacity
- g.  other damage (specify):

Non-economic damages - pain and suffering and emotional distress.

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a.  listed in Attachment 12.
- b.  as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1)  compensatory damages
- (2)  punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1)  according to proof
- (2)  in the amount of: \$

15.  The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: March 4, 2019

Christopher R. Mezzetti

(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(4)

SHORT TITLE: Foreman v. Target	CASE NUMBER:
-----------------------------------	--------------

FIRST CAUSE OF ACTION—Premises Liability Page 4  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Carleen Foreman

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): July 18, 2018 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Defendants owed Plaintiff a duty to own, design, operate, maintain, lease, control, manage, inspect, develop, construct, and offer their property, located at 1811 Hillsdale Avenue, San Jose, CA, in safe and secure manner. Defendants breached that duty by negligently owning, designing, operating, maintaining, leasing, controlling, managing, inspecting, developing, constructing, and offering their property so as to cause a dangerous conditions to Plaintiff at said property. Said dangerous conditions caused serious and substantial injuries to Plaintiff.

Prem.L-2.  Count One—Negligence The defendants who negligently owned, maintained, managed and operated the described premises were (names):  
Target Corporation

Does 1 to 5

Prem.L-3.  Count Two—Willful Failure to Warn [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):  
Target Corporation

Does 6 to 10

Plaintiff, a recreational user, was  an invited guest  a paying guest.

Prem.L-4.  Count Three—Dangerous Condition of Public Property The defendants who owned public property on which a dangerous condition existed were (names):  
Target Corporation

Does 11 to 15

- a.  The defendant public entity had  actual  constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
- b.  The condition was created by employees of the defendant public entity.

Prem.L-5. a.  Allegations about Other Defendants The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

Does 16 to 20

- b.  The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are  described in attachment Prem.L-5.b  as follows (names):

PLD-PI-001(2)

SHORT TITLE: Foreman v. Target	CASE NUMBER:
-----------------------------------	--------------

SECOND **CAUSE OF ACTION—General Negligence** Page 5  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint

*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): Carleen Foreman

alleges that defendant (name): Target Corporation

Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): July 18, 2018

at (place): Target Store located at 1811 Hillsdale Avenue, San Jose, California

*(description of reasons for liability):*

Defendant owned, designed, controlled, operated, maintained, leased, managed, inspected, developed, constructed and offered a retail store at the above-referenced address. Defendant owed Plaintiff a duty to own, design, control, operate, maintain, lease, manage, inspect, develop, construct and offer the property in a safe and secure manner. Defendant breached that duty by negligently owning, designing, controlling, operating, maintaining, leasing, managing, inspecting, developing, constructing, and offering the property so as to cause a dangerous condition to Plaintiff at said property, which caused Plaintiff's serious and substantial injuries.

# **EXHIBIT B**

1 Renée Welze Livingston – SBN 124280  
2 LIVINGSTON LAW FIRM  
3 A Professional Corporation  
4 1600 South Main Street, Suite 280  
5 Walnut Creek, CA 94596  
6 Tel: (925) 952-9880  
7 Fax: (925) 952-9881  
8 Email: [rlivingston@livingstonlawyers.com](mailto:rlivingston@livingstonlawyers.com)

9  
10 Attorneys for Defendant  
11 TARGET CORPORATION

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA – UNLIMITED CIVIL  
CARLEEN FOREMAN ) Case No. 19CV344140  
Plaintiff, )  
vs. ) **ANSWER OF DEFENDANT TARGET**  
TARGET CORPORATION ) **CORPORATION**  
Defendants. )  
Complaint Filed: 03/05/19  
Trial Date: None

---

COMES NOW defendant TARGET CORPORATION and answers the Complaint of plaintiff CARLEEN FOREMAN as follows:

**GENERAL DENIAL**

Under the provisions of Code of Civil Procedure section 431.30, defendant denies generally and specifically, conjunctively and disjunctively, each and every allegation contained in the Complaint and further denies that plaintiff has sustained damages in any sum or sums alleged, or any other sum or at all, as a result of any act or omission by or on behalf of this answering defendant.

**AFFIRMATIVE DEFENSES**

1. **AS A FIRST, SEPARATE AND AFFIRMATIVE DEFENSE**, this answering defendant alleges plaintiff fails to state a cause of action upon which relief can be granted against this answering defendant.

1           2.   **AS A SECOND, SEPARATE AND AFFIRMATIVE DEFENSE**, this  
2 answering defendant alleges plaintiff was concurrently and comparatively negligent and/or  
3 careless in and about the matters referred to in said Complaint on file herein, and that said  
4 carelessness and negligence on plaintiff's own part proximately and directly contributed to and  
5 caused the injuries, loss and damages complained of by plaintiff, if any there were.

6           3.   **AS A THIRD, SEPARATE AND AFFIRMATIVE DEFENSE**, this answering  
7 defendant alleges the injuries and damages complained of by plaintiff, if any, were either wholly  
8 or in part proximately caused by the negligence or other wrongful acts or omissions of persons or  
9 entities other than this answering defendant, and that said negligence and/or wrongful acts or  
10 omissions either are imputed to plaintiff by reason of her relationship with said persons or  
11 entities, or comparatively reduce the proportion of negligence and corresponding liability of this  
12 answering defendant, if any, which liability is specifically denied.

13           4.   **AS A FOURTH, SEPARATE AND AFFIRMATIVE DEFENSE**, this  
14 answering defendant alleges that each of the causes of action asserted in plaintiff's Complaint is  
15 barred by the statute of limitations set forth in Code of Civil Procedure section 335.1.

16           5.   **AS A FIFTH, SEPARATE AND AFFIRMATIVE DEFENSE**, this answering  
17 defendant alleges plaintiff failed to exercise reasonable care and diligence to avoid loss and to  
18 minimize and mitigate her damages, if any there were, and this failure to mitigate damages alone  
19 aggravated any injuries or damages to plaintiff, if any, and therefore precludes or reduces  
20 recovery against this answering defendant.

21           6.   **AS A SIXTH, SEPARATE AND AFFIRMATIVE DEFENSE**, this answering  
22 defendant contends that if liability is assessed against it, pursuant to Civil Code section 1431 *et*  
23 *seq.*, defendant shall be liable only for the amount of non-economic damages allocated to it in  
24 direct proportion to the percentage of fault assessed against it by the trier of fact and requests that  
25 a separate judgment be rendered against it for that amount; but defendant in setting forth this  
26 affirmative defense makes no admission it is liable to plaintiff in any amount or in any  
27 proportion; and defendant, in setting forth this affirmative defense, makes no admission plaintiff  
28 has been damaged in any sum or sums at all.

1           **7. AS A SEVENTH, SEPARATE AND AFFIRMATIVE DEFENSE**, this  
2 answering defendant alleges plaintiff had express knowledge of the risks and hazards set forth in  
3 the Complaint, as well as the magnitude of the risks and hazards, and therefore knowingly and  
4 willingly assumed those risks.

5           **8. AS AN EIGHTH, SEPARATE AND AFFIRMATIVE DEFENSE**, this  
6 answering defendant alleges that no dangerous condition existed on the premises and defendant  
7 had no knowledge or notice of any allegedly dangerous condition.

8           **9. AS A NINTH, SEPARATE AND AFFIRMATIVE DEFENSE**, this answering  
9 defendant alleges plaintiff had no notice of any allegedly dangerous condition of the premises  
10 alleged in the Complaint, but that any such allegedly dangerous condition was open and obvious  
11 to plaintiff.

12           **10. AS A TENTH, SEPARATE AND AFFIRMATIVE DEFENSE**, this answering  
13 defendant alleges it provided reasonable and adequate warning regarding the condition of the  
14 premises.

15           WHEREFORE, this answering defendant prays that plaintiff take nothing by said  
16 Complaint, this answering defendant have judgment for costs of suit incurred herein, and for  
17 such other and further relief as the Court may deem just and proper.

18 Dated: April 8, 2019

LIVINGSTON LAW FIRM

19 By

20 Renée Welze Livingston  
21 Attorneys for Defendant  
22 TARGET CORPORATION

23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I, the undersigned, hereby declare that I am over the age of eighteen years and not a party to the within action. My business address is 1600 South Main Street, Suite 280, Walnut Creek, California 94596. On the date set forth below, I served the following document(s):

ANSWER OF DEFENDANT TARGET CORPORATION

upon the following at the address(es) stated below:

Christopher R. Mezzetti, Esq.  
Robert L. Mezzetti, Esq.  
Mezzetti Law Firm, Inc.  
31 E Julian Street  
San Jose, CA 95112  
Tel: (408) 279-8400  
Fax: (408) 279-8448  
Email: [chris@mezzettilaw.com](mailto:chris@mezzettilaw.com)  
[rob@mezzettilaw.com](mailto:rob@mezzettilaw.com)

*Attorneys for Plaintiff Carleen Foreman*

Service was accomplished as follows:

**BY US MAIL, According to Normal Business Practices.** At my place of business at the above address, I sealed the above document(s) in an envelope addressed to the above, and I placed that sealed envelope for collection and mailing following ordinary business practices, for deposit with the U.S. Postal Service. I am readily familiar with the business practice at my place of business for the collection and processing of correspondence for mailing with the U.S. Postal Service. Correspondence so collected and processed is deposited with the U.S. Postal Service the same day in the ordinary course of business, postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 9, 2019, at Walnut Creek, California.

allison cook  
Allison Cook

# EXHIBIT C

CIV-050

- DO NOT FILE WITH THE COURT -  
 -UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): <b>Robert L Mezzetti SBN: 114282    MEZZETTI LAW FIRM, INC.    31 E. Julian Street    San Jose, CA 95112</b>		TELEPHONE NO.: <b>408-279-8400</b>	FOR COURT USE ONLY
ATTORNEY FOR (name): Plaintiff Carleen Foreman			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara			
STREET ADDRESS: 191 North First Street			
MAILING ADDRESS:			
CITY AND ZIP CODE: San Jose, CA 95112			
BRANCH NAME: Civil Division Courthouse			
PLAINTIFF: Carleen Foreman			
DEFENDANT: Target Corporation, a Minnesota Corporation			
<b>STATEMENT OF DAMAGES</b> <b>(Personal Injury or Wrongful Death)</b>			
CASE NUMBER:			

To (name of one defendant only): Target Corporation, a Minnesota Corporation

Plaintiff (name of one plaintiff only): Carleen Foreman  
 seeks damages in the above-entitled action, as follows:

1. General damages	AMOUNT
a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience .....	\$ 2,500,000.00
b. <input checked="" type="checkbox"/> Emotional distress. ....	\$ 2,500,000.00
c. <input type="checkbox"/> Loss of consortium .....	\$ _____
d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only) .....	\$ _____
e. <input type="checkbox"/> Other (specify) .....	\$ _____
f. <input type="checkbox"/> Other (specify) .....	\$ _____
g. <input type="checkbox"/> Continued on Attachment 1.g.	\$ _____
2. Special damages	AMOUNT
a. <input checked="" type="checkbox"/> Medical expenses (to date) .....	\$ 150,000.00
b. <input checked="" type="checkbox"/> Future medical expenses (present value) .....	\$ 200,000.00
c. <input type="checkbox"/> Loss of earnings (to date) .....	\$ _____
d. <input checked="" type="checkbox"/> Loss of future earning capacity (present value) .....	\$ 500,000.00
e. <input type="checkbox"/> Property damage .....	\$ _____
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) .....	\$ _____
g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) .....	\$ _____
h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) .....	\$ _____
i. <input type="checkbox"/> Other (specify) .....	\$ _____
j. <input type="checkbox"/> Other (specify) .....	\$ _____
k. <input type="checkbox"/> Continued on Attachment 2.k.	\$ _____
3. <input type="checkbox"/> Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ _____ when pursuing a judgment in the suit filed against you.	\$ _____

Date: March 4, 2019

Christopher Mezzetti

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

  
 Page 1 of 2